



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 16 2013

US EPA RECORDS CENTER REGION 5



441346

REPLY TO THE ATTENTION OF:

SR-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7009 1680 0000 7664 9513

Ivan K. Fong
Senior Vice President, Legal Affairs and General Counsel
3M Company
3M Center
St. Paul, MN 55144

RE: General Notice of Potential Liability for the Gary Development Landfill Site located at 479 Cline Avenue, Gary, Lake County, Indiana, CERCLIS ID No: IND077005916.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 *et seq.* (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

On February 25, 2013, U.S. EPA issued Special Notice to eleven potentially responsible parties (PRPs) previously identified with the Gary Development Landfill Site (Site). A copy of the Special Notice letter and its enclosures accompanies this letter. You are invited to join the on-going negotiations for an administrative order on consent for remedial investigation and feasibility study. An up-dated service list with contact information for other PRPs is also enclosed.

U.S. EPA has received information that you or your organization may own, or may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. A copy of your Site nexus document is enclosed. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility.

As a potentially responsible party, you should notify U.S. EPA in writing within seven days (7) days after receipt of this letter of your willingness to participate in the on-going negotiations. Your response should be sent to:

Leslie Blake, Remedial Project Manager
U.S. Environmental Protection Agency – Region 5
Superfund Division (SR-6J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Phone: (312) 353-7921

If U.S. EPA does not receive a timely response, U.S. EPA will assume that you or your organization does not wish to negotiate a resolution of your/its potential responsibility in connection with the facility and that you or your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you have any questions regarding the technical aspects of this letter, please contact Leslie Blake, Remedial Project Manager, at (312) 353-7921, email blake.leslie@epa.gov. If you have an attorney handling your legal matters, please direct his or her questions to Jeffrey Cahn, Associate Regional Counsel, at (312) 886-6670, e-mail cahn.jeff@epa.gov.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

My staff and I look forward to working with you during the coming months.

Sincerely,

A handwritten signature in cursive script that reads "Joan Tanaka".

Joan Tanaka, Chief
Remedial Response Branch #1

cc: Updated PRP Service List

- Enclosures:
1. Up-dated PRP service list
 2. Special Notice letter
 3. Administrative Order on Consent
 4. Statement of Work
 5. SBREFA Fact Sheet
 6. Itemized Cost Summary
 7. Site-nexus document

Gary Development Landfill Site

PRP List 04/12/2013

1. 3M Company

Ivan K. Fong
Senior Vice President, Legal Affairs and General Counsel
3M Company
3M Center
St. Paul, MN 55144
2. American Chemical Services

Shell Bleiweiss
Law Office of Shell J. Bleiweiss
1 South Dearborn Street
Suite #2100
Chicago, IL 60603
3. Ashland, Inc.

Attn: Richmond L. Williams
Chief Counsel, Environmental Litigation
Ashland, Inc.
500 Hercules Road
Building 8139, Room 226
Wilmington, DE 19808
4. Borg Warner

Joshua More
Schiff Hardin, LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
5. BP America, Inc.

Attn: Douglas S. Reinhart
Senior Counsel
BP Legal
150 W. Warrenville Road, Mail Code 200-1W
Naperville, Illinois 60563

6. Brandenburg

 Ms. Susan E. Brice
 Bryan Cave LLP
 161 N. Clark Street
 Suite 4300
 Chicago, IL 60601
7. DuPont

 Bernard J. Reilly
 DuPont Legal D-7082A
 1007 Market Street
 Wilmington DE 19898
8. Georgia-Pacific LLC

 Attn: John C. Bottini
 Senior Counsel – Environmental
 Georgia-Pacific LLC
 133 Peachtree Street, N.E.
 43rd Floor
 Atlanta, Georgia 30303
9. J.B. Moody
 620 West 2nd Place
 Gary, IN 46402
10. Mr. James Nowacki
 148 North Hancock Street
 Gary, Indiana 464031
11. Union Carbide

 Frederick S. Mueller
 Johnson & Bell
 33 W. Monroe St.
 Suite 2700
 Chicago, Illinois 60603

12. Union Tank Car

Susan Franzetti
Nijman Franzetti LLP
10 South LaSalle Street, Suite 3600
Chicago, Illinois 60603

13. Legacy Vulcan

Mr. Andrew J. Torrant
Fulbright & Jaworski L.L.P.
Fulbright Tower
1301 McKinney
Suite 5100
Houston, Texas 77010

14. Waste Management of Indiana, Inc.
d/b/a: Calumet Waste Systems, Inc.

Attn: Francis Chin, Senior Legal Counsel
Waste Management, Inc.
1001 Fannin, Ste 4000
Houston, Texas 77002